

UNITED STATES DISTRICT COURT

Eastern District of California

UNITED STATES OF AMERICA

v.

ANTONIO PEREZ-MARCIAL

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: **1:12CR00213-003**

Defendant's Attorney: Ann H. McGlenon, Assistant Federal Defender

THE DEFENDANT:

- ☒ pleaded guilty to count One of the Indictment.
- ☐ pleaded nolo contendere to count(s) _____ which was accepted by the court.
- ☐ was found guilty on count(s) _____ after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense (s):

Title & Section	Nature Of Offense	Date Offense Concluded	Count Number
18 U.S.C. § 1349	Conspiracy to Commit Bank Fraud, Mail Fraud, and Wire Fraud (Class B Felony)	01/2007 - 2010	One

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____ and is discharged as to such count(s).
- ☒ Counts Four, Seven, Nine-Thirteen, Fifteen-Eighteen, and Twenty-Two are dismissed on the motion of the United States.
- ☐ Indictment is to be dismissed by District Court on motion of the United States.
- ☐ Appeal rights given. ☒ Appeal rights waived.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

5/12/2014

Date of Imposition of Judgment

/s/ Anthony W. Ishii

Signature of Judicial Officer

Anthony W. Ishii, United States District Judge

Name & Title of Judicial Officer

5/13/2014

Date

DEFENDANT: **ANTONIO PEREZ-MARCIAL**
CASE NUMBER: **1:12CR00213-003**

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 46 months.

- ☐ No TSR: Defendant shall cooperate in the collection of DNA.
- ☐ The court makes the following recommendations to the Bureau of Prisons:
The Court recommends that the defendant be incarcerated in a California facility, specifically TAFT, CA, but only insofar as this accords with security classification and space availability.
- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district
- ☐ at ____ on ____.
- ☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ before ____ on ____.
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Officer.
- If no such institution has been designated, to the United States Marshal for this district.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

United States Marshal

By Deputy United States Marshal

DEFENDANT: **ANTONIO PEREZ-MARCIAL**

Page 3 of 6

CASE NUMBER: **1:12CR00213-003****CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$100.00	\$Waived	\$3,455,250.00

☐ The determination of restitution is deferred until ____ . An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage
Countrywide Bank c/o Bank of America Mortgage and Loan Investigations 901 Main Street Mail Stop TX1-492-13-19 Dallas, Texas 75202	\$186,000.00	\$186,000.00	
SunTrust Mortgage Attn: Legal Department MC: FL-Orlando-6201 7474 Chancellor Drive Orlando, Florida 32809	\$160,000.00	\$160,000.00	
Taylor, Bean, & Whitaker Mortgage Corp. and DB Home Lending, LLC c/o Ocwen Loan Servicing 1661 Worthington Road, Suite 100 West Palm Beach, Florida 33409	\$325,000.00	\$325,000.00	
AmTrust Bank Attn: Miriam Castillo Mail Code OH-990215 1111 Chester Avenue Cleveland, Ohio 44114	\$259,500.00	\$259,500.00	
AmTrust Bank Attn: Miriam Castillo Mail Code OH-990215 1111 Chester Avenue Cleveland, Ohio 44114	\$270,600.00	\$270,600.00	
AmTrust Bank Attn: Miriam Castillo Mail Code OH-990215 1111 Chester Avenue Cleveland, Ohio 44114	\$252,250.00	\$252,250.00	
AmTrust Bank Attn: Miriam Castillo Mail Code OH-990215 1111 Chester Avenue Cleveland, Ohio 44114	\$268,500.00	\$268,500.00	

DEFENDANT: **ANTONIO PEREZ-MARCIAL**

Page 4 of 6

CASE NUMBER: **1:12CR00213-003**

SunTrust Mortgage Attn: Legal Department MC: FL-Orlando-6201 7474 Chancellor Drive Orlando, Florida 32809	\$283,000.00	\$283,000.00	
Countrywide Bank c/o Bank of America Mortgage and Loan Investigations 901 Main Street Mail Stop TX1-492-13-19 Dallas, Texas 75202	\$205,000.00	\$205,000.00	
AmTrust Bank Attn: Miriam Castillo Mail Code OH-990215 1111 Chester Avenue Cleveland, Ohio 44114	\$226,150.00	\$226,150.00	
Countrywide Bank c/o Bank of America Mortgage and Loan Investigations 901 Main Street Mail Stop TX1-492-13-19 Dallas, Texas 75202	\$280,250.00	\$280,250.00	
AmTrust Bank Attn: Miriam Castillo Mail Code OH-990215 1111 Chester Avenue Cleveland, Ohio 44114	\$235,000.00	\$235,000.00	
New Century Mortgage Corp c/o Bank of America Mortgage and Loan Investigations 901 Main Street Mail Stop TX1-492-13-19 Dallas, Texas 75202	\$235,000.00	\$235,000.00	
DB Home Lending, LLC c/o Ocwen Loan Servicing 1661 Worthington Road, Suite 100 West Palm Beach, Florida 33409	\$269,000.00	\$269,000.00	
Totals	\$3,455,250.00	\$3,455,250.00	

☐ Restitution amount ordered pursuant to plea agreement \$ ____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ The interest requirement is waived for the ☐ fine ☒ restitution

☐ The interest requirement for the ☐ fine ☐ restitution is modified as follows:

DEFENDANT: **ANTONIO PEREZ-MARCIAL**

Page 5 of 6

CASE NUMBER: **1:12CR00213-003**

- ☐ If incarcerated, payment of the fine is due during imprisonment at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons Inmate Financial Responsibility Program.
- ☒ If incarcerated, payment of the restitution is due during imprisonment at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons Inmate Financial Responsibility Program.

*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

SCHEDULE OF PAYMENTS

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A. ☒ Lump sum payment of \$ 3,455,350.00 due immediately, balance due
☐ Not later than ____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B. ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C. ☐ Payment in equal ____ (e.g. weekly, monthly, quarterly) installments of \$ ____ over a period of ____ (e.g. months or years), to commence ____ (e.g. 30 or 60 days) after the date of this judgment; or
- D. ☐ Payment in equal ____ (e.g. weekly, monthly, quarterly) installments of \$ ____ over a period of ____ (e.g. months or years), to commence ____ (e.g. 30 or 60 days) after release from imprisonment to a term of supervision; or
- E. ☐ Payment during the term of supervised release will commence within ____ (e.g. 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendants ability to pay at that time; or
- F. ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☒ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate:

1:12-cr-00213-AWI-BAM-1 Eliseo Jara, Jr. Joint and Several
 1:12-cr-00213-AWI-BAM-2 Sergio Jara Joint and Several
 1:12-cr-00213-AWI-BAM-3 Antonio Perez-Marcial Joint and Several \$3,455,250.00
 1:12-cr-00213-AWI-BAM-4 Lucia Yolanda Chavez Joint and Several
 1:12-cr-00213-AWI-BAM-5 Arlene Jeanette Mojardin Joint and Several
 1:12-cr-00213-AWI-BAM-6 Candace Shantel Gonzales Joint and Several
 1:12-cr-00213-AWI-BAM-7 Joseph Shawn Chavez, Jr. Joint and Several
 1:12-cr-00213-AWI-BAM-8 Melissa Rochelle Jara Joint and Several
 1:12-cr-00213-AWI-BAM-9 Ricardo Fabian Salinas Joint and Several

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☒ The defendant shall forfeit the defendant's interest in the following property to the United States:
 The Preliminary Order of Forfeiture filed on May 9, 2014, is hereby made final as to this defendant and shall be incorporated into the judgment.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.